TWO CONFLICTING HOLDINGS ON THE USE OF INJUNCTIONS IN LABOR DISPUTES.—Organized labor will not be encouraged to resort to courts of equity in defence of the right to strike if two recent cases are to stand together. In *Horseshoers' Ass'n* v. *Quinlivan* (N. Y. 1903) 83 App. Div. 459, a membership corporation of employers, organized "to protect the interest of its individual members", was permitted to enjoin certain striking employees of its members from resorting to personal violence against such members or their workmen, or interfering with any property of the plaintiff or its members. In *Atkins* v. *Fletcher Co.* (N. J. 1903) 55 Atl. 1074, certain members of a voluntary association of workmen, suing in behalf of the association, sought during a strike to enjoin an employing corporation and others from interference with and intimidation of members of the plaintiff association while acting peaceably as "pickets." The injunction was denied. Each case involved two questions: (1) Did the plaintiff have standing to enjoin interference with its members' rights? (2) Was any injury to the plaintiff threatened? The Appellate Division inferentially answered the first query in the affirmative. The New Jersey court emphatically denied it. The alternative question also was affirmatively answered in New York, upon the ground that the plaintiff had as a corporation a right in the nature of property, the right to exist, which equity would protect. Vice Chancellor Stevenson found no property interest in the plaintiff association that was threatened. Accepting both cases the conclusion would be that an employers' corporation without property save an intangible right to exist may enjoin striking workmen from interfering therewith or with its members but an association of laborers, having no common business, may not invoke equitable interference either in its own behalf or that of its members.

In the light of this extraordinary result the cases can hardly stand together, and it is believed that the New York view is untenable. It was, indeed, held, in *London* v. *Liverpool* (1796) 3 Anstr. 738, that a corporation might join with its members to enjoin interference with their rights but the doctrine of the case seems never to have been recognized elsewhere and is emphatically repudiated in *Evangelical Society* v. *Cemetery* (1894) 2 A. C., D. C. 310. To attempt to support the New York holding on this point on the theory that the charter empowered the corporation to sue in behalf of its members, is to hold that an artificial person may be formed to assert a right which in the view of the New Jersey court a natural person could not exercise, and which no natural person has ever been held to have, a right, that is, to enjoin an injury to another when that injury in no way affects the party suing. If the New York case is defended on the theory that equity will look through the corporate fiction to avoid a multiplicity of suits, it follows that A, B and C may by incorporating bring an action in the corporate name against D in their own behalf when they could not do so by joining as individuals in a bill of peace. *Marselis* v. *Morris Canal Co.* (1836) 1 N. J. Eq. 31;

Pomeroy, Equity Jurisprudence, 2nd ed., § 264, n. 1. Nor is the New York decision supportable upon the ground that a corporate interest was involved. While the abstract right to be a corporation is a property right, *West River Bridge Co.* v. *Dix* (1848) 6 How. 507, obviously this right was not and could not be impaired by the defendants' violence. The right which the court denominates the "right to exist" was doubtless the right to effective existence, that is, to deal with its members and others without interference and standing to enjoin such interference should have been refused because as INGRAHAM, J., points out, the plaintiff showed no threatened injury to corporate property. This was precisely the ground upon which the New Jersey court denied that there had been any interference with the plaintiffs' business relations on which to base their claim to an injunction and laid down the well recognized rule that no right arises in such a case in the absence of actual or threatened money damage. Bigelow on Torts, 7th ed., §§ 233, 255; Pollock on Torts, 6th Ed., 529 ff.

ADMISSION OF EVIDENCE OBTAINED UNDER AN ILLEGAL SEARCH WARRANT.—In nearly all the state constitutions there are provisions (1) that no person shall be compelled to furnish evidence, or be a witness, against himself in a criminal case, and (2) that the people shall be secure against unreasonable searches and seizures. Is it a violation of the first provision to admit in evidence in a criminal action articles tending to connect the defendant with the crime, taken from him under a search warrant? And if the search warrant was illegal, so that the search and seizure under it was wrongful and unreasonable, should the evidence so obtained be excluded? These questions were recently presented to the Supreme Court of Iowa and to the Court of Appeals of New York, and in answering them the courts reached contrary results. The Iowa court held that to admit such evidence would be to violate both constitutional guaranties, while the Court of Appeals decided that neither constitutional provision could be invoked to exclude the evidence. *State* v. *Sheridan* (Iowa 1903) 96 N. W. 730; *People* v. *Adams* (1903) 30 N. Y. Law Journal 555. It has been objected many times that to admit in evidence articles taken under a search warrant is to compel the defendant to furnish evidence against himself. The Iowa court, however, is the first to sustain the objection. The authority relied upon by the Iowa case, and invariably relied upon by defendants raising this objection, was *Boyd* v. *U. S.* (1885) 116 U. S. 616. Other courts have repeatedly held that case inapplicable, and pointed out that it merely passed upon the validity of an order of the United States Circuit Court, requiring a defendant to produce books and papers, to be used in evidence against him. *Gindrat* v. *People* (1891) 138 Ill. 103; *Williams* v. *State* (1897) 100 Ga. 511; *State* v. *Atkinson* (1893) 40 S. C. 363. So long as the defendant is not sworn as a witness, or required to produce his books, papers or